

Application No. 08/819,669

Docket No.: NY-LUD 5253-US5-DIV

Reply to Final Office Action of July 7, 2009

REMARKS

In the Office Action of July 7, 2009, point 5 states as follows:

"Claims 192-195 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim."

In this amendment, claim 192 has been rewritten to incorporate all of the limitations of the claim from which it depends. Claims 192 -195 should thus be allowable.

This obviates point 3 of the Office Action, since claim 192 was not included in that rejection.

Point 4 is confusing. The Examiner says that claims 192-195 are not patentably distinct from the claims of U.S. Patent No. 7,495,074. How, then, could the claims be allowable? This is not understood. In any event, the record shows that the '074 patent is based on applications which claim priority to the subject application. Assignment records indicate common ownership, i.e., the invention of '074 is based on an application that was assigned to the current assignee. The records indicate common ownership at the time the inventions were made.

Given the ambiguity in the Office Action, clarification is required, or allowance of the application.

With respect to the rejection of claims 183-191 because of allegedly incorrect language in a Terminal Disclaimer. The Terminal Disclaimer is resubmitted.

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The Commissioner is hereby authorized to deduct any fees or credit any overpayment to our Deposit Account No. 50-0624, under Order No. NY-LUD 5253-US5-DIV (09885911) from which the undersigned is authorized to draw.

Dated: 7/13/09

Respectfully submitted,

By 

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